



06-04-04

1617
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Docket 17652 CON1 (OCU)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of
Vernon G. Wong, et al.

Serial No: 09/160,635

Date Filed: September 24, 1998

For: IMPROVED FORMULATION FOR
CONTROLLED RELEASE OF DRUGS
BY COMBINING HYDROPHILIC AND
HYDROPHOBIC AGENTS

Examiner: Webman, Edward J.

Group Art Unit: 1617

Confirmation No.: 6584

Irvine, California

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

**THIS RESPONSE TO OFFICE ACTION AMENDS CLAIM 10 AND
CANCELS CLAIM 13**

Dear Sir:

The April 21, 2004 Office Action (hereafter "the Office Action") in the above-identified pending patent application allowed claims 19-20, 22-25 and 28-29, rejected claim 10 under section 103(a) over Dennis, and objected to claims 13 and 16-18.

The Office Action states that claims 13 and 16-18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants respond to the Office Action as follows:

Claim 10 has been amended to incorporate the limitation of claim 13. The rejection of claim 10 over Dennis has therefore been overcome and withdrawal of the section 103(a) rejection is requested.

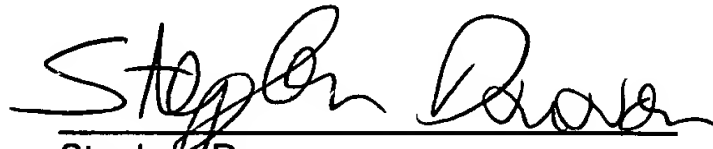
Applicant's hereby cancel claim 13 without prejudice to further prosecution at a later date. Claims 16-18 are dependant upon claim 10.

Since claim 10 has been amended to incorporate the limitation of claim 10 and claims 16-18 are dependant upon claim 10, as amended, therefore claims 10 and 16-18 are now in condition for allowance.

A Notice of Allowance for claims 10, 16-20, 22-25 and 28-29 is appropriate and is therefore requested.

All issues raised by the Office Action have been addressed. Examination and allowance of claims 10, 16-20, 22-25 and 28-29 is requested.

Respectfully submitted,


Stephen Donovan
Registration Number 33,433

Date: June 1, 2004

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CERTIFICATE OF EXPRESS MAIL UNDER 37 C.F.R. § 1.10

I hereby certify that this Response to Office Action and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date June 1, 2004, in an envelope as "Express Mail Post Office to Addressee" Mailing Label number **EV193717037US** addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Susan Bartholomew

Name of person mailing paper


Signature of person signing

Date: June 1, 2004



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TRANSMITTAL LETTER

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P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

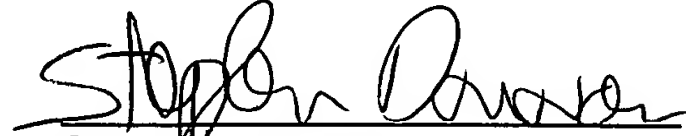
Please find enclosed with regard to the above-identified pending U.S. patent application: (1) a 6 page response to the April 21, 2004 Office Action in the above-identified patent application; (2) this 2 page Transmittal Letter; and; (3) a return postcard.

CLAIMS AS FILED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	12	13	= 0 x	\$18.00	= \$0.00
Independent Claims	04	04	= 0 x	\$86.00	= \$0.00
If application has been amended to contain multiple dependent claim(s), then add			0	\$290.00	= \$0.00
Time Extension Fees:			0 month		= \$0.00
Terminal Disclaimer Fee:			0 x	\$110.00	= \$0.00
Request for Continued Examination (RCE)			0	\$770.00	= \$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

The Commissioner is hereby authorized to charge any fees required or necessary for the filing, processing or entering of this paper or any of the enclosed papers, and to credit any overpayment, to deposit account 01-0885.

Respectfully submitted,



Stephen Donovan

Registration Number 33,433

Date: June 1, 2004

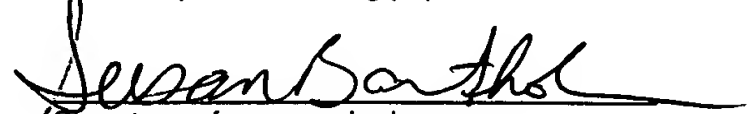
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